

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*
AHMED BASHIR,

Plaintiff,

v.

THE BOEING COMPANY, et al.,

Defendants.

CASE NO. 19-CV-600-LK

FILED UNDER SEAL

**UNITED STATES' SECOND NOTICE OF
ELECTION TO DECLINE
INTERVENTION**

Noted for Consideration on:
July 21, 2022

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America hereby notifies the Court of its decision not to intervene in this *qui tam* action at this time with respect to Relator's Amended Complaint, which Relator filed under seal on November 19, 2021. Dkt. No. 61. This is the United States' second notice of election to decline intervention in this case. The United States filed its first notice of election to decline intervention on January 29, 2021. Dkt. Nos. 24, 25. The Court then unsealed the case in March 2021. *See* Dkt. 70 at 2.

1 However, when Relator filed and served the United States with an Amended Complaint in
2 November 2021, the Court again sealed the case. Dkt. Nos. 60, 67. Accordingly, the United States
3 hereby notifies the Court of its decision not to intervene in this *qui tam* action with respect to
4 Relator's Amended Complaint.

5 Although the United States declines to intervene, the United States respectfully refers the
6 Court to 31 U.S.C. § 3730(b)(1), which allows Relator to maintain the action in the name of the
7 United States, providing, however, that the "action may be dismissed only if the court and the
8 Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* The
9 Ninth Circuit has construed this statutory language to give the United States the right to be heard
10 only if it objects to a settlement or dismissal. *See United States ex rel. Green v. Northrop Corp.*, 59
11 F.3d 953, 959 (9th Cir. 1995); *United States ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715,
12 723-25 (9th Cir. 1994). Accordingly, the United States requests that should either Relator or
13 Defendant(s) propose that this action be dismissed, settled, or otherwise discontinued, this Court
14 provide the United States with notice and an opportunity to be heard before ruling or granting its
15 approval.

16 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings
17 filed in this action be served upon the United States and that orders issued by the Court be sent to the
18 United States' counsel. The United States reserve their rights to order any deposition transcripts, to
19 intervene in this action, for good cause, at a later date, and to seek dismissal of Relator's action or
20 claim under 31 U.S.C. § 3730(c)(2)(A). The United States also requests that it be served with all
21 Notices of Appeal.

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1 Dated this 21st day of July, 2022.

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3 Respectfully submitted,

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